



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,320	04/19/2001	Peter B. Everdell	10.0815	1320

22474 7590 06/02/2006

DOUGHERTY CLEMENTS  
1901 ROXBOROUGH ROAD  
SUITE 300  
CHARLOTTE, NC 28211

EXAMINER
----------

COULTER, KENNETH R

ART UNIT	PAPER NUMBER
----------	--------------

2141

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/838,320

Applicant(s)

EVERDELL ET AL.

Examiner

Kenneth R. Coulter

Art Unit

2141

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2006 (RCE).  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14, 16-20, 22-28, 30 and 32-35 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 1-14, 16-20, 22-28, 30 and 32-35 is/are allowed.  
6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/10/05.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The claims are now directed to a dedicated control path for each of a plurality of distributed processors, wherein the separate control path resources prioritize internal and external control information such that the external control information is given a higher priority.

However, the specification is not confined to only the defined invention within the claims. Thus a new Specification (including Drawings and Abstract) is required which modifies the brief summary of the invention and restrict the descriptive matter so as to be in harmony with the claims as they currently stand within this Application. Per MPEP 1302.01 patents should be confined in their disclosures to the respective inventions patented (see 37 CFR 1.71 and 1.73) and not complicated by extraneous matter. In doing so, the applicant is reminded to include all related United States Patent Application (i.e., Abandoned, Pending, or their corresponding United States Patent Number). The applicant is further reminded of the provisions of 37 C.F.R. 1.125, with respect to mark-up versions and to add a statement, on a separate paper that the Substitute Specification contains "No New Matter".

In addition, Examiner requests that Applicant update the "Related Applications" section of the specification (and insert the title "Related Applications" for this section).

Art Unit: 2141

Amendments should include the patent number for 09/777,468 and the fact that the following Applications are now abandoned: 09/756,936; 09/687,191; 09/669,364; and 09/663,947.

These changes, **and other probable changes** to the status of the related Applications, should be made by the Applicant before the present Application is allowed.

***Allowable Subject Matter***

2. Claims 1 – 14, 16 – 20, 22 – 28, 30, and 32 – 35 are allowed.

3. The following is an examiner's statement of reasons for allowance:

The prior art of record does not specifically disclose or remotely suggest

With regard to independent claims 1, 13, 17, 19, 23, 28, 30, and 35:

wherein the separate control path resources prioritize internal and external control information such that the external control information is given a higher priority.

4. These limitations, in conjunction with the other limitations in the independent claims, are not specifically disclosed or remotely suggested in the prior art of record.

Art Unit: 2141

A review of claims 1 – 14, 16 – 20, 22 – 28, 30, and 32 – 35, in view of the Examiner's arguments above, indicates that claims 1 – 14, 16 – 20, 22 – 28, 30, and 32 – 35 are allowable over the prior art of record.

### ***Conclusion***

5. This application is in condition for allowance except for the following formal matters:

The above specification and drawing objections.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

6. A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on 5 4 9.

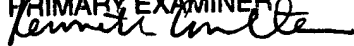
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2141

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KENNETH R. COULTER

PRIMARY EXAMINER



krc